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U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

FABRIZZIO MURCIA-PLEITEZ,

Petitioner,

v.

ALBERTO R. GONZALES, Attorney
General,

Respondent.

No. 04-74110

Agency No. A95-122-033

AMENDED
MEMORANDUM*

FABRIZZIO MURCIA-PLEITEZ,

Petitioner,

v.

ALBERTO R. GONZALES, Attorney
General,

Respondent.

No. 04-75895

Agency No. A95-122-033

On Petition for Review of Orders of the
Board of Immigration Appeals

* This disposition is not appropriate for publication and may not be cited to or by the courts of this circuit except as provided by 9th Cir. R. 36-3.

Submitted November 17, 2005**
Portland, Oregon

Before: KLEINFELD and GRABER, Circuit Judges, and MOSKOWITZ***,
District Judge.

To be eligible for asylum, Murcia-Pleitez must show that the alleged persecution is done at the hands of the El Salvadoran government or a group that the government is unwilling or unable to control.¹ The immigration judge found that Murcia-Pleitez did not make this showing. There is substantial evidence in the record to support his determination.²

Among other factors, the IJ determined that there is no evidence of collusion between the maras and the law enforcement structure, the public security infrastructure was not unwilling to protect people like the petitioner, and there was no showing that the maras was too strong for the police to control. Under the

** This panel unanimously finds this case suitable for decision without oral argument. *See* Fed. R. App. P. 34(a)(2).

*** The Honorable Barry Ted Moskowitz, District Judge for the Southern District of California, sitting by designation.

¹ *Korablina v. INS*, 158 F.3d 1038, 1044 (9th Cir. 1998).

² *See Hernandez-Montiel v. INS*, 225 F.3d 1084, 1091 (9th Cir. 2000).

applicable standard of review, these facts support the determination that the El Salvadoran government was not “unwilling or unable” to control the maras.

Murcia-Pleitez failed to raise any new relevant, legal arguments in his Motion to Reconsider. Therefore, the Board of Immigration Appeals did not abuse its discretion by denying the motion.

AFFIRMED.